

Remarks

In response to the Communication of January 5, 2006, Applicant respectfully requests reconsideration in view of the foregoing amendments and following remarks.

Status of Claims and Support for Claim Changes

Claims 1-17 are allowed.

Previously pending claims 18-32 have been canceled herein.

Previously pending claims 39-44, which were rejected in the latest Office action on the basis of “improper recapture,” have been canceled herein in favor of new claims 45-50.

New claims 45-50 are method claims that correspond to canceled claims device claims 39-44. Support for these claims may be found at column 2, lines 54-59; column 4, line 53 to column 5, line 1; column 6, lines 5-9 (for claim 47); column 4, lines 53-55 (for claims 48-50); Figs. 6A and 6B; and elsewhere in the patent’s written description.

New claims 51-61 have been added herein. Support for these claims may be found at column 2, lines 54-59; column 4, lines 53-55 (for claim 51); column 4, line 60 to column 5, line 1; column 5, lines 35-40 (for claim 58); column 5, line 67 to column 6, line 9; Figs. 6A and 6B; and elsewhere in the patent’s written description.

Argument

The applicant submits that new claims 45-50 do not involve “improper recapture.” These claims are method claims. In the original application, the method claims were not amended in order to overcome a rejection. Thus, the method claims submitted herein cannot involve any recapture of subject matter previously surrendered.

Newly submitted claims 51-61 are patentable over the art of record. In particular, Farr et al. does not disclose or suggest a method of harvesting bone as claimed in claims 51-61. Fox does not disclose or suggest a method using a cutter-and-collection apparatus provided with the structure as set forth in claims 51-61.

In view of the foregoing amendments and remarks, this application is now in condition for allowance, and a notice to this effect is respectfully requested. If the Examiner believes, after these amendments, that the application is not in condition for allowance, the Examiner is invited to call the Applicants’ attorney at the number listed below.

Applicant believes that no extension of time is required; however, this conditional petition for an extension of time is made in the event that the need for such an extension has been overlooked. If any additional fees are required for the timely consideration of this application, please charge deposit account number 19-4972.

Respectfully submitted,



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